

Notice of Allowability

Application No.

09/438,759

Applicant(s)

MEIER ET AL.

Examiner

Ann Y. Lam

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief filed August 8, 2005.
2. ☒ The allowed claim(s) is/are 27-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>10/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Drawings

The drawings are objected to because "Figur 1", "Figur 2" and "Figur 3" should be corrected for spelling error. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Evelyn Defillo on October 14, 2005.

The application has been amended as follows:

Claim 27, line 2, after "cannula", insert --assembly--.

Line 3, replace the semicolon with --inside--.

Line 4, before "formed" insert --, the hollow tube--.

Line 24, after "cannula" insert --assembly--.

Claim 28, line 1, insert --assembly--after cannula--.

Claim 29, line 1, insert --assembly--after cannula--.

Claim 30, line 1, insert --assembly--after cannula--.

Claim 31, line 1, insert --assembly--after cannula--.

Claim 32, line 1, insert --assembly--after cannula--.

Claim 33, line 1, insert --assembly--after cannula--.

Claim 34, line 2, insert --assembly--after cannula--.

Claim 34, line 3, replace the semicolon with --inside--.

Line 4, before "formed" insert --the hollow tube--.

Line 25, before "wherein" insert --and--.

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Line 25, after "cannula" insert --assembly--.

Claim 35, line 1, insert --assembly--after cannula--.

Claim 35, line 3, replace the first "the" with --a longitudinal--.

Claim 36, line 1, insert --assembly--after cannula--.

Claim 36, line 4, replace the first "the" with --a--.

Claim 37, line 1, insert --assembly--after cannula--.

Claim 38, line 2, insert --assembly--after cannula--.

Claim 38, line 3, replace the semicolon with --inside--.

Line 5, before "including", insert --, the hollow tube--.

Line 23, after "cannula" insert --assembly--.

Claim 39, line 1, insert --assembly--after cannula--.

Claim 40, line 1, insert --assembly--after cannula--.

Claim 41, line 2, insert --assembly--after cannula--.

Claim 41, line 3, replace the semicolon with --inside--.

Line 4, before "formed", insert --, the hollow tube--.

Line 24, after "cannula" insert --assembly--.

Claim 42, line 1, insert --assembly--after cannula--.

Claim 42, line 2, replace the semicolon with --inside--.

Line 3, before "formed", insert --, the hollow tube--.

Line 13, insert a dash after "electro".

Line 23, before "wherein" insert --and--.

Line 23, after "cannula" insert --assembly--.

Allowable Subject Matter

Claims 27-42 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann Y. Lam whose telephone number is 571-272-0822. The examiner can normally be reached on M-Sat 11-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.L.



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10/17/05